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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,963	06/15/2001	Bryan Smith	34650-00677USPT	9158
23932	7590	05/23/2005	EXAMINER	
JENKENS & GILCHRIST, PC 1445 ROSS AVENUE SUITE 3200 DALLAS, TX 75202			PEREZ, ANGELICA	
		ART UNIT		PAPER NUMBER
				2684

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/882,963	SMITH, BRYAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Angelica M. Perez	2684	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

#### Period for Reply

#### A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 October 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
<input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date <u>4-105</u>
<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4-22-04</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Specification***

1. The corrections made to the abstract are acknowledged and accepted by the examiner.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 5-7, 9-11, 15-16, 18, 22-24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrakos (Petrakos et al.; US 6,731,935 B2) in view of Wakimoto (Wakimoto et al., JP 405268650 A).

Regarding claims 1 and 15, Petrakos teaches of an apparatus (Figure 1, items 1-4), and method of alerting a user of a mobile telephone that the user is connected to a second network other than a usual first network (column 1, lines 42-47 and column 3, lines 60 and 61; where the “roaming dial tone” corresponds to alerting the user of a “second network”), comprising: allocating a first set of specific user-definable non-text settings in the user's telephone to a situation where the user is connected to a first network (column 1, lines 42-46; where the “first audible tone” corresponds to that of a “first network” e.g., “home network”. Also, “audible tones” correspond to “non-text settings”); allocating a second set of specific user-definable non-text settings in the user's telephone to a situation where the user is connected to a second network

(column 1, lines 46-47; where “second audible tone” corresponds to a “second network”; e.g., “roaming”); switching the settings automatically to the first set when user’s telephone becomes connected to the first network (column 3, lines 27-34; where when located in the “home network” the “first dial tone” is automatically produced) of the network is switching the settings automatically to the second set when the telephone becomes connected to the second network (column 3, lines 39-44; when the user is “roaming”, in the “second network”, a “second tone” is automatically set) and circuitry for switching automatically to the first set when user’s mobile telephone is connected to the first network (column 4, lines 35-40, figures 3 and 4, items 18 and 44, respectively; where the “dial tone generator” makes the decision according to the network type; e.g., “home provider” corresponding to “first network”), and for switching automatically to the second set when user’s mobile telephone is connected to the second network (column 4, lines 35-40, figures 3 and 4, items 18 and 44, respectively; where the “dial tone generator” makes the decision according to the network type; e.g., “roaming provider” corresponding to a “second network”); and alerting the user immediately before a call is activated, by an indication caused by the first and second non-text settings respectively that the user is connected to the first or second network (column 3, lines 57-65; e.g., “attempt to originate a call” corresponding to “before a call is activated”).

Petrakos does not specifically teach where alerting the user immediately before an incoming call is activated, by an indication caused by the first and second non-text settings respectively that the user is connected to the first or second network, and circuitry for switching automatically to the first set when user’s mobile telephone is

connected to said first network, and for switching automatically to the second set when user's mobile telephone is connected to the second network

Wakimoto, in related art concerning incoming call control, teaches of alerting the user immediately before an incoming call is activated, by an indication caused by the first and second non-text settings respectively that the user is connected to the first or second network (Abstract located in pages 1 and 2, where the ringer is a non-text generated indicator indicating of incoming calls).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Petrakos's method of alerting a user of a mobile telephone that the user is connected to a second network with Wakimoto's ringer in order to network other than a usual first provide an alternative indicator to the method.

Regarding claims 2 and 16, Petrakos in view of Wakimoto teaches all the limitations of claims 1 and 15, respectively. Petrakos further teaches where the non-text settings in the user's telephone may be selected from indications including: sound; acoustic sounds; LED; vibration; and ring signal (column 1, lines 40-47; where the examiner as selected "acoustic sounds" from the choices provided).

Regarding claims 6, 23, Petrakos in view of Wakimoto teaches all the limitations of claims 1 and 15, respectively. Petrakos also teaches where the first network may be the user's home network/a preferred network (column 3, lines 27-34; where when located in the "home network" the "first dial tone" is automatically produced).

Regarding claims 7, Petrakos in view of Wakimoto teaches all the limitations of claims 6. Petrakos further teaches where the second network may be a foreign network

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other than the user's home network /preferred network (column 1, lines 46-47; where "second audible tone" corresponds to a "second network"; e.g., while "roaming" the user may be in a foreign network other than the home network).

Regarding claims 11 and 28, Petrakos in view of Wakimoto teaches all the limitations of claim 1 and 15, respectively. In addition, Petrakos teaches where the non-text settings are associated with user defined profiles in the mobile telephone (column 3, lines 50-65; where the tones can be customized according to a user profile).

Regarding claims 5, 18 and 22, Petrakos teaches all the limitations of claims 2, 15 and 16, respectively. Wakimoto further teaches where an incoming call is associated with a ring signal, the method including the step of the user selecting if the ring signal should be associated with a first or second network (page 2, lines 5-12; where "domestic information" corresponds to a "first network" and "international information" corresponds to a "second network").

Regarding claims 9 Petrakos in view of Wakimoto teaches all the limitations of claim 8. Petrakos also teaches where the first network may be the user's home network /a preferred network (column 3, lines 27-34; where when located in the "home network" the "first dial tone" is automatically produced).

Regarding claims 10 and 24, Petrakos in view of Wakimoto teaches all the limitations of claims 8 and 23, respectively. Petrakos further teaches where the second network may be a foreign network other than the user's home network /preferred network (column 1, lines 46-47; where "second audible tone" corresponds to a "second

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network"; e.g., while "roaming" the user may be in a foreign network other than the home network).

3. Claims 8, 12 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrakos in view of Wakimoto as applied to claims 1 and 15 above, and further in view of Linkola (Linkola, Janne; US Patent No.: US 6,516,190 B1).

Regarding claims 8, 12 and 25, Petrakos in view of Wakimoto teaches all the limitations of claims 1 and 15. Petrakos further teaches where the user's telephone includes a display (figure 1, item 2).

Petrakos in view of Wakimoto does not specifically teach where the display can show an identification of a current connected network which may be confirmed by the user reading text on the display.

In related art concerning a method and apparatus for calculating charge rates in a mobile communication system, Linkola teaches where the display can show an identification of a current connected network which may be confirmed by the user reading text on the display (columns 9; lines 38-59; e.g., "...mobile network code...").

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Petrakos in view of Wakimoto method and apparatus for generating information-bearing audible tones with Linkola's mobile network code, in order to provide location information that indicates the identity of the network, as taught by Linkola.

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Regarding claims 26 and 27, Petrakos in view of Wakimoto and further in view of Linkola teaches all the limitations of claim 25. Petrakos further teaches where the second network may be a foreign network other than the user's home network /preferred network (column 1, lines 46-47; where "second audible tone" corresponds to a "second network"; e.g., while "roaming" the user may be in a foreign network other than the home network).

4. Claims 14, 3 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrakos in view of Wakimoto as applied to claims 1, 2 and 16 above, and further in view of in view of Thompson (Thompson, Robin Jeffrey; US Patent No.: US 5,999,521 A).

Regarding claim 14, Petrakos teaches all the limitations of claims 1.

Petrakos does not specifically teach of including voice dialing and activating, connected with an outgoing call.

In related art concerning a system and method for providing local services to wireless telephones served by other systems, regarding a device control apparatus, Thompson teaches of including voice dialing and activating, connected with an outgoing call (column 1, lines 42-53; where the voice dialing activates the call).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Petrakos's alerting method with Thompson's voice dialing in order to provide the user with a personalized manner of handling calls by providing voice dialing, as taught by Thompson.

Regarding claims 3 and 20, Petrakos in view of Wakimoto teaches all the limitations of claims 2 and 16, respectively.

Petrakos in view of Wakimoto does not specifically teach where the acoustic sounds are associated with a prompt used during voice dialing.

In related art concerning a system and method for providing local services to wireless telephones served by other systems, regarding a device control apparatus, Thompson teaches of the acoustic sounds are associated with a prompt used during voice dialing (column 1, lines 42-53; where the voice dialing indicates a call initiation).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Petrakos in view of Wakimoto alerting method with Thompson's voice dialing in order to provide the user with a personalized manner of handling calls by providing voice dialing, as taught by Thompson.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petrakos in view of Wakimoto, and further in view of Linkola as applied to claim 12 above, and further in view of Takahara (Takahara, Yasuaki; US Patent No.: US 5,450,613 A).

Regarding claim 13, Petrakos in view of Wakimoto, and further in view of Linkola teaches all the limitations according to claims 12.

Petrakos in view of Linkola does not specifically teach where the graphic display comprises an LCD display.

In related art regarding a mobile communication device with out of range notification, Takahara teaches where the graphic display comprises an LCD display

(column 1, lines 36-48; where the examiner selected LED from the choices provided by the applicant).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Petrakos's in view of Linkola's graphic display method with Takahara's LCD display in order to provide graphical of whether or not the user is within the service area, as taught by Takahara.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petrakos in view of Wakimoto as applied to claim 15 above, and further in view of Takahara.

Regarding claim 19, Petrakos in view of Wakimoto teaches all the limitations according to claims 15.

Petrakos in view of Wakimoto does not specifically teach where the graphic display comprises a display chosen from LCD display and an LED display.

In related art regarding a mobile communication device with out of range notification, Takahara teaches where the graphic display comprises an LCD display (column 11, lines 50; where the examiner selected LED from the choices provided by the applicant).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Petrakos in view of Wakimoto graphic display method with Takahara's LCD display in order to provide graphical of whether or not the user is within the service area, as taught by Takahara.

7. Claims 4, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrakos in view of in view of Wakimoto as applied to claims 2, 15 and 21 above, and further in view of Kahata (Kahata, Ryoichi; JP Patent No.: 411,177,725 A).

Regarding claims 4, 17 and 21 Petrakos in view of Wakimoto teaches all the limitations of claims 2, 15 and 16, respectively.

Petrakos in view of Wakimoto does not specifically teach where the vibration setting is used in association with one or more of voice dialing, flip opening or key pressing.

In related art concerning a charge notice system for portable telephone sets, Kahata teaches where the vibration setting is used in association with one or more of voice dialing, flip opening or key pressing (page 2, lines 9-21).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Petrakos in view of Wakimoto method and apparatus for generating information-bearing audible tones with' Kahata's vibration setting used in association with voice dialing in order to indicate added charges during a telephone call, as taught by Kahata.

8. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached on 7:15 a.m. - 3:55 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.



Angelica Pérez  
(Examiner)



NAY MAUNG  
**SUPERVISORY PATENT EXAMINER**

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March 8, 2005